

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEW JERSEY**

IN RE:

Leineek, Michael

Debtor(s)

Case No. 13-bk-31295

Judge \_\_\_\_\_

Chapter **13**

**AMENDED CHAPTER 13 PLAN AND MOTIONS**

Original

Modified/Notice Required

Discharge Sought

Motions Included

Modified/No Notice Required

No Discharge Sought

Date: June 20, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The debtor has paid \$47,602.00 to date. The Debtor shall pay \$1,460.00 per month to the Chapter 13 Trustee, starting on 6/1/2017 for approximately 16 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:  
 Future Earnings  
 Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:  
 Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
  
 Refinance of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
  
 Loan modification with respect to mortgage encumbering property  
Description: **Ditech Financial**  
Proposed date for completion: 1/30/2018
- d.  The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e.  Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ None to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor                        | Type of Priority    | Amount to be Paid |
|---------------------------------|---------------------|-------------------|
| <b>Capone &amp; Keefe, PC</b>   | <b>Attorney fee</b> | <b>1,750.00</b>   |
| <b>Internal Revenue Service</b> | <b>Taxes</b>        | <b>31,111.23</b>  |

### Part 4: Secured Claims

#### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor                            | Collateral or Type of Debt                   | Arrearage        | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|-------------------------------------|--|------------------|----------------------------|---|--|
| <b>Residential Credit Solutions</b> | Residence - 48 Agress Road, Perrineville, NJ | <b>45,883.61</b> | <b>0.00%</b>               | <b>0.00*</b>                            | <b>4,083.00</b>                        |

\*Arrears to be cured through a loan modification

#### b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

| Creditor                        | Collateral   | Scheduled Debt   | Total Collateral Value | Superior Liens   | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid |
|---------------------------------|--|------------------|------------------------|------------------|--|----------------------|-------------------------|
| <b>Internal Revenue Service</b> | 2001 Lexus SC430 (daughter's car) & 2010 Volkswagen Jetta & 1988 Toyota Landcruiser (245,000 miles) & 1986 Dodge Pick-up & Check | <b>30,094.40</b> | <b>48,136.40</b>       | <b>16,862.00</b> | <b>30,094.40</b>                         | <b>0.00%</b>         | <b>30,094.40</b>        |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

#### c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

| Creditor    | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|-------------|------------------------------|---------------------------------|--------------------------|
| <b>None</b> |                              |                                 |                          |

#### d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

**Santander Consumer Usa**  
**Toyota Motor Credit**

#### e. Secured Claims to Be Paid in Full Through the Plan

| Creditor                        | Collateral   | Total Amount to be Paid through the Plan |
|---------------------------------|--|--|
| <b>Internal Revenue Service</b> | 2001 Lexus SC430 (daughter's car) & 2010 Volkswagen Jetta & 1988 Toyota Landcruiser (245,000 miles) & 1986 Dodge Pick-up & Check | <b>30,094.40</b>                         |

### Part 5: Unsecured Claims

#### a. Not separately classified allowed non-priority unsecured claims shall be paid:

- Not less than \$ \_\_\_\_\_ to be distributed *pro rata*  
 **X** Not less than **0.00** percent  
 *Pro Rata* distribution from any remaining funds

#### b. Separately Classified Unsecured Claims shall be treated as follows:

| Creditor    | Basis for Separate Classification | Treatment | Amount to be Paid |
|-------------|-----------------------------------|-----------|-------------------|
| <b>None</b> |                                   |           |                   |

### Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

| Creditor    | Nature of Contract or Lease | Treatment by Debtor |
|-------------|-----------------------------|---------------------|
| <b>None</b> |                             |                     |

### Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

#### a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|--------------------------------|------------------------------|
|          |                      |              |                |                     |                             |                                |                              |

|          |           |          |          |            |           | the<br>Property |          |
|----------|-----------|----------|----------|------------|-----------|-----------------|----------|
| Creditor | Residence | Judgment | 6,204.61 | 290,216.00 | 10,000.00 | 456,335.0<br>0  | 6,204.61 |

**b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor    | Collateral | Amount of Lien<br>to be Reclassified |
|-------------|------------|--------------------------------------|
| <b>None</b> |            |                                      |

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor    | Collateral | Amount to be<br>Deemed Secured | Amount to be<br>Reclassified as<br>Unsecured |
|-------------|------------|--------------------------------|--|
| <b>None</b> |            |                                |  |

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- Upon Confirmation  
 Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims** The Trustee [ ] is, [X] is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 1/20/17

|   |   |
|---|---|
| Explain below why the Plan is being modified.             | Explain below how the Plan is being modified.               |
| <b>To extend time period to obtain loan modification.</b> | <b>IExtends time period to obtain loan mod by 6 months.</b> |

Are Schedules I and J being filed simultaneously with this Modified Plan?  Yes  No

#### Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: June 20, 2017

/s/ Marc Capone

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: June 20, 2017

/s/ Michael Leineek

Debtor

Joint Debtor

In re:  
Michael Leineek  
Debtor

Case No. 13-31295-KCF  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 1 of 2  
Total Noticed: 39

Date Rcvd: Jun 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 24, 2017.

db Michael Leineek, 48 Agress Rd, Millstone Township, NJ 08535-1137  
cr +RESIDENTIAL CREDIT SOLUTIONS AS SERVICER FOR THE B, Phelan Hallinan & Schmieg, PC,  
400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437  
cr +RESIDENTIAL CREDIT SOLUTIONS LLC, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road,  
Suite 100, Mt. Laurel, NJ 08054-3437  
lm Residential Credit Solutions Inc., POB 163229, Fort Worth, TX 76161-3229  
cr +Santander Consumer USA, Inc., P.O. Box 562088, Suite 900-North, Dallas, TX 75247,  
UNITED STATES 75356-2088  
514245112 #ACB Receivables, PO Box 350, Asbury Park, NJ 07712-0350  
514245113 #Acb Receivables Management, PO Box 350, Asbury Park, NJ 07712-0350  
514245114 #+Acb Receivables Mngmt, 19 Main St, Asbury Park, NJ 07712-7012  
514245116 Attorney General, US Dept Of Justice, Ben Franklin Station, PO Box 683,  
Washington, DC 20044-0683  
514245117 Bk Of Amer, Attn: Correspondence Unit/CA6-919-02-41, PO Box 5170,  
Simi Valley, CA 93062-5170  
514245118 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
(address filed with court: Cap One, Po Box 85520, Richmond, VA 23285)  
514245119 Capital 1 Bank, Attn: Bankruptcy Dept., PO Box 30285, Salt Lake City, UT 84130-0285  
514245120 +Capital One Bank, PO Box 30285, Salt Lake City, UT 84130-0285  
514412384 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
514245127 +HSS Radiologists, Gpo Box 5058, New York, NY 10087-5058  
514245125 Horizon Blue Cross Blue Shield Of NJ, Dept V, Newark, NJ 07101  
514245126 Hospital For Special Surgery, PO Box 29174, New York, NY 10087-9174  
515291441 +NCEP, LLC, P.O. Box 165028, Irving, TX 75016-5028  
516453020 +Ortega Drywall, c/o Rosenthal & Goldhaber, 1393 Veterans Memorial Highway, Suite 212N,  
Hauppauge, NY 11788-3054  
516845354 +Patrick Durning, 160 Forest Haven Court, Freehold, NJ 07728-9029  
514245131 Professional Claims Bureau, PO Box 9060, Hicksville, NY 11802-9060  
514391550 +Residential Credit Solutions, POST OFFICE BOX 163229, FORTH WORTH, TEXAS 76161-3229  
514245132 Residential Credit Solutions, PO Box 163889, Fort Worth, TX 76161-3889  
514263155 Santander Consumer USA, P.O. Box 560284, Dallas, TX 75356-0284  
514263892 +Santander Consumer USA Inc.; as Assignee for Santander, P.O. Box 961245,  
Fort Worth, TX 76161-0244  
514245133 +Santander Consumer Usa, Po Box 961245, Ft Worth, TX 76161-0244  
514245135 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
(address filed with court: Toyota Motor Credit, 4 Gatehall Dr Ste 350,  
Parsippany, NJ 07054)  
514245134 Thomas Sculco, MD, 535 E 70th St, New York, NY 10021-4823

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 22 2017 22:19:51 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jun 22 2017 22:19:47 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235  
515292614 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Jun 22 2017 22:23:26 Ascension Capital Group,  
Attn: NCEP, LLC Department, P.O. Box 165028, Irving, TX 75016-5028  
514245121 +E-mail/Text: bankruptcy\_notifications@ccsusa.com Jun 22 2017 22:20:33 Credit Coll,  
PO Box 9134, Needham, MA 02494-9134  
514245122 +E-mail/Text: bankruptcy\_notifications@ccsusa.com Jun 22 2017 22:20:33 Credit Collection,  
2 Wells Ave, Newton Center, MA 02459-3246  
514245123 E-mail/Text: bankruptcy\_notifications@ccsusa.com Jun 22 2017 22:20:33  
Credit Collection Serv, PO Box 773, Needham Heights, MA 02494-0918  
514245124 E-mail/Text: bankruptcy\_notifications@ccsusa.com Jun 22 2017 22:20:33  
Credit Collections Svc, PO Box 773, Needham, MA 02494-0918  
514245128 +E-mail/Text: cio.bncmail@irs.gov Jun 22 2017 22:19:13 Department of the Treasury,  
Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346  
516143405 E-mail/Text: bankruptcy.bnc@ditech.com Jun 22 2017 22:19:25 Ditech Financial LLC,  
PO Box 6154, Rapid City, SD 57709-6154  
514245130 +E-mail/Text: bankruptcydepartment@tsico.com Jun 22 2017 22:20:25 Nco Fin /99,  
Po Box 15636, Wilmington, DE 19850-5636  
514245136 E-mail/Text: bankruptcydepartment@tsico.com Jun 22 2017 22:20:25 Transworld Systems Inc,  
507 Prudential Rd, Horsham, PA 19044-2308

TOTAL: 11

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
514245129\* Department of the Treasury, Internal Revenue Service, PO Box 7346,  
Philadelphia, PA 19101-7346

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 39

Date Rcvd: Jun 22, 2017

514245115 ##Atlantic Advisors, Inc, PO Box 841, Asbury Park, NJ 07712-0841

TOTALS: 0, \* 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court  
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner  
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social  
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required  
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 24, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on June 20, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com  
Andrew L. Spivack on behalf of Creditor RESIDENTIAL CREDIT SOLUTIONS AS SERVICER FOR THE BANK  
OF NEW YORK MELLON FKA THE BANK OF NEW YORK,AS TRUSTEE , et.al. nj.bkecf@fedphe.com  
Andrew L. Spivack on behalf of Creditor RESIDENTIAL CREDIT SOLUTIONS LLC nj.bkecf@fedphe.com  
Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS INC., CHL MORTGAGE PASS-THROUGH TRUST 2006-17,  
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-17 bankruptcynotice@zuckergoldberg.com,  
bkgroup@kmllawgroup.com  
Denise E. Carlon on behalf of Creditor RESIDENTIAL CREDIT SOLUTIONS LLC  
dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
Jennifer R. Gorchow on behalf of Creditor RESIDENTIAL CREDIT SOLUTIONS AS SERVICER FOR THE  
BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,AS TRUSTEE , et.al. nj.bkecf@fedphe.com  
John R. Morton, Jr. on behalf of Creditor Santander Consumer USA, Inc.  
mortonlaw.bcaraig@verizon.net, tfitz@mortoncraig.com;mazlett@mortoncraig.com  
Joshua I. Goldman on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS INC., CHL MORTGAGE PASS-THROUGH TRUST 2006-17,  
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-17 jgoldman@kmllawgroup.com,  
bkgroup@kmllawgroup.com  
Joshua I. Goldman on behalf of Creditor RESIDENTIAL CREDIT SOLUTIONS LLC  
jgoldman@kmllawgroup.com, bkgroup@kmllawgroup.com  
Marc C. Capone on behalf of Debtor Michael Leineek mcapone@caponeandkeefe.com,  
docs@caponeandkeefe.com

TOTAL: 12